

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

XHAIL USA, INC. and XHAIL, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 22-579-CFC
	)	
MICHAEL J. KIELY,	)	
	)	
Defendant.	)	

**DECLARATION OF ISIAIAH CLAYBORNE IN SUPPORT OF  
PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT FOR A SUM  
CERTAIN PURSUANT TO FED. R. CIV. P. 55(b)(1)**

I, Isiaiah Clayborne III, hereby declare as follows:

1. I am Vice President of Marketing & Communications at Xhail USA, Inc. and Xhail, Inc. (collectively, "Xhail"). I've been with Xhail since January 2021. In that time, I have also served as a Product Design Advisor.

2. I have reviewed Plaintiffs' Complaint and exhibits thereto, Civil Cover Sheet, Plaintiffs' Corporate Disclosure Statements, and Unexecuted Summons (collectively, "Service Package", attached hereto as Exhibit A). I have also reviewed Plaintiffs' Motion for Default Judgment for a Sum Certain Pursuant to Fed. R. Civ. P. 55(b)(1) ("Xhail's Motion") (D.I. 8).

3. I submit this declaration in support of Xhail's Motion.


4. Unless otherwise indicated, I have personal knowledge of the information contained herein.

5. On May 3, 2022, Michael J. Kiely entered Xhail's office at 8921 Sunset Blvd., West Hollywood, CA 90069.

6. At this time and place, I observed Michael J. Kiely take the Service Package from Paul Katz's hand ("the Process Service"). Thereafter, Mr. Kiely discarded the Service Package on a desk by throwing it on the desk. Kiely exited the room and exited 8921 Sunset Blvd., West Hollywood, CA 90069.

7. There were three individuals in the same room as Michael J. Kiely during the Process Service, including myself, Tony Alverti, and Paul Katz. Tony Alverti is a bodyguard, licensed in California, who was hired by Xhail to protect Xhail property and employees during the Process Service. Paul Katz is a process server, licensed in California, who was hired by Xhail to perform the Process Service.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 17, 2022.

  
Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On October 17, 2022 before me, Jennifer Chung, Notary Public,  
Date Name  
 personally appeared Isiaiah Clayborne III,  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the law of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



Place Notary Seal and/or Stamp

Signature

[Signature]  
Signature of Notary

#### OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

#### Description of Attached Document

Title or Type of Document: Declaration of Isiaiah Clayborne in Support of Plaintiff's Motion for default Judgment for A Sum  
 Document Date: 10.17.2022 Number of Pages: 3  
 Signer(s) Other Than Named Above: NA